## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

EXCENTUS CORPORATION	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	No. 3:09-cv-01875-O
SAFEWAY, INC., BLACKHAWK	§	
NETWORK, INC., BLACKHAWK	§	
MARKETING, LLC AND RANDALL'S	§	
FOOD & DRUGS, LP,	§	
	§	
Defendant.	§	

## ORDER OF DISMISSAL GRANTING JOINT MOTION TO DISMISS WITH PREJUDICE

Before the Court is Plaintiff Excentus Corporation and Defendants Safeway Inc.,
Blackhawk Network, Inc., Blackhawk Marketing, LLC, and Randall's Food & Drugs LP Joint
Motion to Dismiss with Prejudice this case and all claims asserted or which could have been
asserted against and between the parties. Having considered the Joint Motion to Dismiss with
Prejudice, the Court is of the opinion that the motion is meritorious and should be **GRANTED**.

It is hereby ORDERED that this case and all claims asserted or which could have been asserted against and between Plaintiff Excentus Corporation and Defendants Safeway Inc., Blackhawk Network, Inc., Blackhawk Marketing, LLC, and Randall's Food & Drugs LP be DISMISSED WITH PREJUDICE to the refiling of same or any part thereof.

It is further ORDERED that each party shall bear its own attorneys' fees, costs of court, and expenses.

Signed this 26<sup>th</sup> day of January, 2010.

Reed O'Connor

UNITED STATES DISTRICT JUDGE